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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

TAKELE, MESEKER

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/799,443	<b>Applicant(s)</b> EDDY ET AL.	
	<b>Examiner</b> MESEKER TAKELE	<b>Art Unit</b> 2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This communication is responsive to the RCE and Amendment filed 05/03/2010.
2. Claims 1-14 are pending in this application. Claim 1, 13 and 14 are independent claim. Claim 1 is amended, and claims 15-38 were cancelled.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-6 and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arquie et al. ("Arquie" US Patent No.: 7,219,300) in view of Pugaczewski et al. (US Patent No.: 6,903,755) .**

**As to claim 1**, Arquie disclose in a computer system having a graphical user interface (example, graphical user interface, see abstract), a method for generating topological and management information (example, the responsibility of the Information Manager (IM) is to maintain (create and update) the vendor independent topology of the network level view, see col., 8 line, 57-60) the method comprising:

obtaining a request to generate application topological and management information corresponding to two or more sites associated with a network (*such as, FIG. 3 illustrates a*

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*network administrator user interface with a network map or topology generated, such as with information obtained with the discovery mechanism of Figure 1);*

*obtaining site attribute information corresponding to the two or more sites (such as, the discovery mechanism 112 functions to obtain the topology information or physical layout of the monitored data storage networks 160, 162, 164 and to store such information in the asset management database. the discovered information in the database 132 includes a listing of the devices 134, such as connections, links, switches, routers, and the like, col., 7 lines, 39-57), the site attribute information being maintained and imported from one or more distributed application servers and the site information (such as, server devices configured to maintain and then transmit digital data over a communications network, col., 6 lines, 25-30) comprising:*

*site interconnection information (such as, interconnection information, col., 2 lines, 55-56 and col., 8 line 35-36); applying a set of dynamic processing rules to determine an assessment of the site attribute information, (such as, a simpler topology rule is utilized, such as showing the connection with the longest path or originating from a device in a group with a higher sequential ranking (such as by identifier and the like, col., 15 lines, 62-63);*

*processing the site attribute information to obtain site application topological and management information (such as, processing the operation information to determine a performance parameter; and for a user interface, generating a performance monitoring display including at least a portion of the topology map and a graphical representation of the performance parameter, claim 1),*

*wherein processing the site attribute information comprises;*

*identifying through an iterative process all sites within the network,*

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generating at least one connection object for each site (*such as, Figure 3 illustrates a network administrator user interface with a network map or topology generated, such as with information obtained with the discovery mechanism of Figure 1*), and

identifying a directional flow for communications between each site; (*such as, the direction of movement matches data flow, abstract*).

generating a graphical user interface, the user interface comprising a first display portion for displaying topological and management information and a second display portion for generating user controls and wherein information is displayed in the first display portion in accordance with the user controls in the second display portion (*such as, a first group 312 including a system 314 from a first company division and a system 316 from a second company division that are linked via connections 318, 320 to switch 332. A switch group 330 is illustrated that includes switch 332 and another division server. The switch 332 is shown to be further linked via links 334, 336, and 338 to other groups and devices. As shown, performance information is not shown in the display 310 but a physical topology is shown and connections are shown with single lines. Note, to practice the invention the physical topology does not have to be displayed but typically is at least generated prior to generating of the performance monitoring display (such as the one shown in Figure 4) to facilitate creating such a display*) ;

formatting and generating the topological and management information for rendering on the display (*such as, generate a performance monitoring display in a user interface.*

*Significantly, the display includes a map or topology of the network with the performance shown with movement of displayed elements, such as line segments or dashes, to allow a network*

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*administrator to readily identify portions of the system that may be over utilized or underutilized as well as those that are being more properly utilized; col., 3 lines, 28-35) and*

*displaying the generated information within the first display portion of the graphical user interface (such as, At 240, the performance monitoring mechanism 120 functions to generate a performance monitoring display based using the topology information from the discovery mechanism 112 and the performance information from step 220. A screen 400 of GUI 156 after performance of step 220 is shown in FIG. 4. In the illustrated embodiment, the display 310 of FIG. 3 is replaced or updated to show performance information on or in addition to the topology or map of the network 160, 162, 164 to allow a viewer to readily link performance levels with particular components or portions of the represented network 160, 162, 164. The GUI again includes a pull down menu 404 and a performance monitoring button 408 (which if again selected would revert the display 410 to display 310, col., 10 lines, 20-34).*

However Arquie does not disclose a schema defining a template as to how the topological information should be rendered the schema corresponding to a network template requirement and a specific user requirement and perceived status of each site.

Pugaczewski from the similar field of endeavor disclose a schema defining a template as to how the topological information should be rendered the schema corresponding to a network template requirement and a specific user requirement and perceived status of each site (*such as, Figure 3 is a schematic illustration of an xDSL Path in a DSL implementation*).

It would have been obvious to one of ordinary skill in the art to have modified Arquie teaching at the time of the invention was made with the teaching of Pugaczewski in order to provide a generic set of models so that different manufacturer's nodal processors and other

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network hardware can be inserted into the network with minimal changes to the software which controls the device.

**As to claim 2,** most of the limitations have been met in the rejection of Claim 1. See details for Claim 1 rejection.

**As to claim 3,** Arquie discloses, wherein obtaining site attribute information corresponding to the two or more sites includes obtaining directory information identifying each of the two or more sites associated with the network (*such as, the method includes identifying a topology map for a storage network and gathering operating information, which is processed to determine a performance parameter, such as utilization, abstract*).

**As to claim 4,** Arquie discloses, wherein processing the site attribute information to obtain site application topological and management information includes interactively identifying site connection information from the site attribute information for the two or more sites (Figure 4).

**Claim 5, is** similar in scope to claim 3 respectively, and is therefore rejected under similar rationale.

**As to claim 6,** Pugaczewski discloses, wherein obtaining site attribute information corresponding to the two or more sites includes obtaining cost information for the

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connection information, wherein the cost information corresponds an estimated cost for transmitting data between two connected sites (*such as, the account manager provides information such as a profile of the current set-up of an account, current services billed for, and month-to-date billing data, col., 22 lines, 48-55*).

**As to claim 9,** most of the limitations have been met in the rejection of Claim 1. See details for Claim 1 rejection.

**As to claim 10,** Pugaczewski discloses wherein formatting the site application topological and management information for display includes generating an XML data stream for rendering by the software application program (*such as, communication with various databases, passing of data to/from GUI, see col., 22 lines, 1-7 and col., 9 lines, 40-45*).

**As to claim 11,** Arquie discloses further comprising obtaining a request to update the site application topological and management information (*such as, the system acts to periodically obtain updated or real-time performance information and in response, to periodically update the display such that the animation or rate of motion matches existing performance of the network, col., 3 lines 66-67 and col., 4 lines, 1-5*).

**As to claim 12,** most of the limitations has been met in the rejection of Claim 1. See details for Claim 1 rejection.



**As to claim 13,** Arquie discloses a computer-readable medium having computer-executable instructions (claim 4).

**As to claim 14,** Arquie discloses a computer system having a processor, a memory and an operating environment, (Figure 1).

**5. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Arquie et al. (“Arquie” US Patent No.: 7,219,300) in view of Pugaczewski et al. (US Patent No.: 6,903,755) and in further in view of Richardson (US Patent No.: 7,146,568).**

**As to claim 7,** Arquie and Pugaczewski do not disclose wherein obtaining site attribute information corresponding to the two or more sites includes obtaining health model information for the two or more sites.

Richardson from the similar field of endeavor discloses wherein obtaining site attribute information corresponding to the two or more sites includes obtaining health model information for the two or more sites (*such as, administrator of a network health problems associated with devices and services on the network, see abstract*).

It would have been obvious to one of ordinary skilled in the art to have modified Arquie and Pugaczewski ’s teaching at the time the invention was made with the teaching of Richardson in order to provide to quickly display to the administrator of a managed network health problems associated with devices and services on the network and to provide the administrator with the

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capability to quickly respond to and correct pending network problems before end users of the network are impacted.

**As to claims 8,** while Arquie in view of Pugaczewski teaches wherein processing the site attribute information to obtain site application topological and management information; Arquie and Pugaczewski do not teach obtaining one or more health model processing rules associated with the two or more sites; applying the site attribute information to the one or more health model processing rules and generating health model information for the two or more sites based on the application of the health model processing.

Richardson from similar field of endeavor discloses, obtaining one or more health model processing rules associated with the two or more sites (*such as, nnmrules:CPU health characteristic 312, nnmrules:Disk health characteristic 314, nnmrules:Memory health characteristic 316, see col., 11 lines, 46-60*)

applying the site attribute information to the one or more health model processing rules (example, such as nnmrules: CPU health characteristic 312, nnmrules: Disk health characteristic 314, nnmrules: Memory health characteristic 316, see col., 11 lines, 46-60); and

generating health model information for the two or more sites based on the application of the health model processing rules (*such as, nnmrules:CPU health characteristic 312, nnmrules:Disk health characteristic 314, nnmrules:Memory health characteristic 316, see col., 11 lines, 46-60*).

It would have been obvious to one of ordinary skilled in the art to have modified Arquie and Pugaczewski 's teaching at the time the invention was made with the teaching of Richardson

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in order to provide to quickly display to the administrator of a managed network health problems associated with devices and services on the network and to provide the administrator with the capability to quickly respond to and correct pending network problems before end users of the network are impacted.

***Response to Arguments***

6. Applicant's arguments with respect to independent claims have been considered but are moot in view of the new ground(s) of rejection.

***inquiry***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MESEKER TAKELE whose telephone number is (571)270-1653. The examiner can normally be reached on Monday - Friday 7:30AM- 5:00PM est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on (571) 272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meseker Takele/  
Examiner, Art Unit 2175

/William L. Bashore/  
Supervisory Patent Examiner, Art Unit 2175